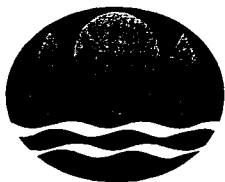


APPENDIX D

EFFLUENT LIMIT CORRESPONDENCE



Minnesota Pollution Control Agency

January 13, 2004

Mr. Richard W. Freese, P.E.
Director of Public Works
City of Rochester
201 Fourth Street Southeast, Room 108
Rochester, MN 55904-3740

RE: NPDES/SDS Permit No. MN0024619
Rochester Water Reclamation Plant (WRP)
Rochester, Minnesota

Dear Mr. Freese:

This letter is written in response to your letter of December 18, 2003, and Lyle Zimmerman's letter of December 22, 2003, concerning the effluent limits applicable to the expansion of the above-referenced facility. These limits are based upon correspondence and meetings that have taken place over the past several months, but most specifically upon my letter of August 20, 2003, which describes options for some effluent limits. Those limits that were discussed and agreed upon are listed below.

Carbonaceous Biochemical Oxygen Demand, Ammonia Nitrogen, and Dissolved Oxygen

Parameter	Limit	Limit Type
CBOD ₅	15 mg/L	Calendar Month Average
NH ₃ -N	3 mg/L Summer	Calendar Month Average
	13 mg/L Fall	Calendar Month Average
	5 mg/L Winter	Calendar Month Average
	10 mg/L Spring	Calendar Month Average
DO	5 mg/L	Daily Minimum

Total Suspended Solids

The limit is 30 mg/L as a calendar month average. This is a relaxation of the limit in the current permit.

Mercury

The limits are 10 ng/L as a calendar month average and 17 ng/L as a daily maximum.

Phosphorus

The limits are 1.0 mg/L as a calendar month average and 72.2 kg/day as a twelve month maximum. The mass limit is the same as in the current permit to satisfy federal regulations concerning expanded discharges upstream of impaired waters.

As soon as we have received your written concurrence that these are the agreed-upon limits, we will forward the limits to the Environmental Outcomes Division to notify them that work on the Environmental Assessment can begin.

Your letter requests that language be added to the permit to prevent certain regulations from impacting the permitted effluent limits. Effluent limits are always potentially subject to change due to a number of factors, including the outcome of future studies, changes in state or federal law, and comments received during the public notice comment period for the Environmental Assessment Worksheet (EAW) or the draft permit. If timely comments are received during the public notice comment period for the EAW or the draft permit, they must be responded to before the process can move forward.

The backsliding issue will be addressed in the fact sheet that accompanies the draft permit. You will have the opportunity to review it before the draft permit is placed on public notice. Regarding the impact of a future TMDL on permit limits, language will be added to the permit stating that a TMDL is pending and may affect effluent limits in the future.

While we are limited in terms of adding language of the type you request to a permit, we can assure you that we will keep you informed and assist you to the best of our ability to make the most prudent decisions for your community. Please contact Janet Bartz at (651) 296-8790 if you have any questions.

Sincerely,



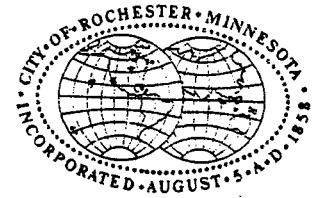
Gene M. Soderbeck, P.E., Supervisor
Majors Water and Land Section
Majors and Remediation Division

cc: Lyle Zimmerman, Plant Manager
Kim Erickson, CH2M-Hill Engineers
Wendy Turri, MPCA Rochester Office



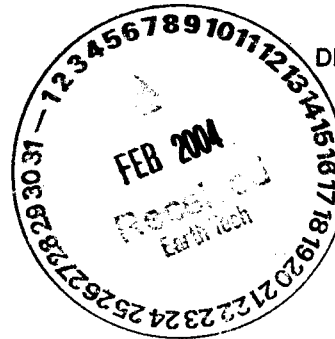
ROCHESTER

Minnesota



January 22, 2004

Mr. Gene Soderbeck
Major Water and Land Section
Majors Remediation Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155



DEPARTMENT OF PUBLIC WORKS
201 4th Street SE, Room 108
Rochester, MN 55904-3740
(507) 287-7800
FAX (507) 281-6216

Re: Proposed Effluent Limits
Rochester, MN – Water Reclamation Plant
NPDES Permit No. MN0024619

Dear Mr. Soderbeck:

This is in response to your letter of January 13, 2004 regarding proposed limits for the Rochester Water Reclamation Plant. The limits described in your letter are what was previously discussed and are acceptable to the City of Rochester. The Environmental Assessment work should proceed as soon as possible.

We continue to have a concern regarding the outcome of the phosphorus TMDL and also how mercury will be dealt with in the future. We expect that the Fact Sheet for this permit will adequately address these concerns and recognize that certain limits may be relaxed as well as tightened in the future based on future studies or changes in regulations. For example, we would hope that once the mercury issue is addressed nationally, that it will be recognized that municipal wastewater plants are typically de minimus dischargers of mercury, and as such, should not be given limits unless it can be shown their contribution is significant. We would hope that if this, in fact is the case, that Rochester would not be held to this proposed limit based on anti-backsliding rules. A well written Fact Sheet could be a very valuable document for future reference and decisions for both the MPCA and the City of Rochester.

We do want to have the opportunity to review the Draft Permit and the Fact Sheet prior to the Public Notice for this permit. Please let us know when these documents are available.

We appreciate the effort both you and your staff have put into developing these proposed limits. We also appreciate your willingness to meet with us to discuss the issues so you could gain a better understanding of our concerns and we could gain a better understanding of regulatory requirements. We hope that the final development of the permit will proceed as smoothly.

Sincerely,



Richard W. Freese, P. E.
Director of Public Works

cc: Janet Bartz, MPCA
Stevan Kvenvold, Rochester City Administrator
Lyle J. Zimmerman, Rochester WRP Manager
Kim Erickson, CH2M-Hill
Dave Raby, HR Green
✓Leslie Knapp, Earth Tech